

### AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all prior listings of claims in this application.

1. (Currently amended) A method for comparing services provided by an incumbent local exchange carrier ("ILEC") to its customer and services provided by the ILEC to a customer of a competitive local exchange carrier ("CLEC"), comprising:  
receiving ILEC data for a first transaction where the ILEC provided a first service to its customer;

receiving CLEC data for a second transaction where the ILEC provided a second service to the customer of the CLEC;

identifying a plurality of ILEC performance measurements for the first transaction;

identifying a plurality of CLEC performance measurements for the second transaction;

comparing the ILEC performance measurements to said CLEC performance measurements to determine if parity exists between the first service and the second service; and-

if parity does not exist, then calculating a remedy to be paid;

wherein parity is responsive to a parity probability representing a probability that parity is determined when favoritism actually exists and a favoritism probability representing a probability that favoritism is determined when parity actually exists, the method further comprising:

calculating a balancing critical value that balances the parity probability and the favoritism probability; and

comparing the difference measurement to the balancing critical value.

2. (Original) The method of Claim 1, wherein the ILEC performance measurements and the CLEC performance measurements are mean measurements.

3. (Original) The method of Claim 1, wherein the related ILEC performance measurement and the related CLEC performance measurement correspond to a common time period.

4. (Original) The method of Claim 1, wherein comparing the ILEC performance measurements and the CLEC performance measurements comprises:  
determining an ILEC distribution for the related ILEC performance measurements;  
determining a CLEC distribution for the related CLEC performance measurements; and  
comparing the ILEC distribution and the CLEC distribution to determine a difference measurement.

5. (Currently amended) A method for comparing services provided by an incumbent local exchange carrier ("ILEC") to its customers to services provided by the ILEC to customers of a competitive local exchange carrier ("CLEC"), comprising:  
receiving ILEC data that measures the services provided by the ILEC to its customers;  
receiving CLEC data that measures the services provided by the ILEC to the customers of the CLEC;  
identifying an ILEC performance measurement and a CLEC performance measurement;  
determining a difference measurement based on the ILEC performance measurement and the CLEC performance measurement;  
using the difference measurement to compare the services provided by the ILEC to its customers to the services provided by the ILEC to the customers of the CLEC;  
and  
if parity does not exist, then calculating a remedy to be paid;  
wherein parity is responsive to a parity probability representing a probability that parity is determined when favoritism actually exists and a favoritism probability representing a probability that favoritism is determined when parity actually exists, the method further comprising:  
calculating a balancing critical value that balances the parity probability and the favoritism probability; and  
comparing the difference measurement to the balancing critical value.

6. (Canceled)

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7. (Canceled)

8. (Canceled)

9. (Canceled)

10. (Canceled)

11. (Currently amended) A method for calculating a remedy if parity does not exist between services provided by an incumbent local exchange carrier ("ILEC") to its customers and services provided by the ILEC to customers of a competitive local exchange carrier ("CLEC"), comprising:

receiving ILEC data that measures the services provided by the ILEC to its customers;

receiving CLEC data that measures the services provided by the ILEC to the customers of the CLEC;

identifying an ILEC performance measurement and a CLEC performance measurement;

determining a difference measurement based on the ILEC performance measurement and the CLEC performance measurement;

in response to the difference measurement, determining if there is parity between services provided by the ILEC to its customers to the services provided by the ILEC to the customers of the CLEC; and

if parity does not exist, then calculating a remedy to be paid;

wherein parity is responsive to a parity probability representing a probability that parity is determined when favoritism actually exists and a favoritism probability representing a probability that favoritism is determined when parity actually exists, the method further comprising:

calculating a balancing critical value that balances the parity probability and the favoritism probability; and

comparing the difference measurement to the balancing critical value.

12. (Original) The method of Claim 11, wherein calculating a remedy comprises:  
calculating a remedy for a selected CLEC.
13. (Original) The method of Claim 11, wherein calculating a remedy comprises:  
calculating a remedy for all CLECs within a state.
14. (Original) The method of Claim 11, wherein calculating a remedy comprises:  
using a fee schedule to calculate the remedy.
15. (Original) The method of Claim 11, wherein calculating a remedy comprises:  
determining whether a previous remedy was calculated for a previous month;  
and  
if a previous remedy was calculated for a previous month, then adjusting the remedy.